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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

INCREDIBLE AUTO SALES, LLC,)	Bankruptcy No. 06-60855-RBK
)	
Debtor.)	<u>MOTION FOR RULE 2004</u>
)	<u>EXAMINATION</u>
)	
)	

Pursuant to F.R.B.P. 2004, the undersigned respectfully requests the Court to order an examination as follows:

1. Witnesses to be examined: Jody Stephens
Lalonna Seymour
Krista Davis
2. Date: Wednesday, January 3, 2007
3. Time: beginning at 9:00 a.m., with subsequent depositions continuing immediately after the conclusion of the prior deposition, in the order shown above (or at another time mutually agreed upon by all counsel)
4. Place: Holland & Hart, LLP
401 North 31st Street, Suite 1500,
Billings, MT 59101
5. Scope of examination for each individual:
 - A. Operations, ownership, assets, liabilities, and finances of the Debtor.

- B. Lien payoffs on trade-in vehicles.
 - C. Post-Petition transactions between the Debtor and Incredible Chevrolet.
 - D. Documentation of vehicle sales, including deal jackets and funding information.
 - E. Documentation of Debtor's vehicle flooring through Hyundai Motor Finance Company and through any other lender since January 1, 2006.
6. Documents to be produced by each individual:
- A. All documents related to Debtor's purchase of vehicles floored by Hyundai Motor Finance Company since January 1, 2006.
 - B. All documents related to lien payoffs on trade-in vehicles.
 - C. All documents related Post-Petition transactions between the Debtor and Incredible Chevrolet.
 - D. All documents related to ownership of Debtor and Incredible Chevrolet and related to transfer of ownership interests since January 1, 2006.
 - E. All documents related to purchases of those vehicles from the auto auctions that are the subject of the pending adversary proceedings.
7. Time, Date and Place of Production (if different from examination): same as examination
8. Movant's Calculation of Mileage pursuant to F.R.B.P. 2004(e): 5 miles at 44½ cents per mile for each individual
9. The undersigned has contacted Debtor's counsel, Clarke Rice and Bill Needler, who advised that they oppose this Motion and object to these individuals producing the documents described herein without a subpoena duces tecum pursuant to F.R.B.P. 9016.
- 10 This morning, Debtor's 80% shareholder, Nick Gutierrez, asserted his 5th Amendment rights and refused to answer any substantive questions concerning this matter. As a result, creditors have been unable to ascertain necessary information about this case. Based upon the testimony during the various court hearings, each of the above-identified individuals is believed to have unique knowledge concerning the nature of the Debtor's operations, ownership, assets, liabilities, and finances.

Dated this 20th day of December, 2006.

/s/ Shane P. Coleman

Shane P. Coleman
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Attorneys for Hyundai Motor Finance Co.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 20th day of December, 2006, a copy of this motion was served upon counsel of record by the following method:

1, 2, 3, 4, 5,

6, 7, 8, 9,

10 & 11 CM/ECF

_____ Hand Delivery

_____ Mail

_____ Overnight Delivery Service

_____ Fax

_____ E-Mail

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